

ASSEMBLY BILL

No. 1115

Introduced by Assembly Member Oropeza

February 21, 2003

An act to amend Section 51.2 of the Civil Code, relating to senior housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1115, as introduced, Oropeza. Senior housing: federal standards.

Existing law presumes that a housing development for senior citizens constructed on or after January 1, 2001, is designed to meet the physical and social needs of senior citizens for purposes of meeting existing laws regarding age discrimination in housing if the housing development includes specified elements, except housing as to which these provisions are preempted by federal law.

This bill would declare the intent of the Legislature to enact legislation to conform state law to the federal Fair Housing Act and would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to enact
2 legislation to conform state law to the federal Fair Housing Act (42
3 U.S.C. Sec. 3601 et seq.), relative to the treatment of senior
4 citizens and fair housing.

5 SEC. 2. Section 51.2 of the Civil Code is amended to read:

1 51.2. (a) Section 51 shall be construed to prohibit a business
2 establishment from discriminating in the sale or rental of housing
3 based upon age. Where accommodations are designed to meet the
4 physical and social needs of senior citizens, a business
5 establishment may establish and preserve that housing for senior
6 citizens, pursuant to Section 51.3, except ~~housing as to which~~ *to*
7 *the extent that* Section 51.3 is preempted by the prohibition in the
8 federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and
9 implementing regulations against discrimination on the basis of
10 familial status. For accommodations constructed before February
11 8, 1982, that meet all the criteria for senior citizen housing
12 specified in Section 51.3, a business establishment may establish
13 and preserve that housing development for senior citizens without
14 the housing development being designed to meet physical and
15 social needs of senior citizens.

16 (b) This section is intended to clarify the holdings in *Marina*
17 *Point, Ltd. v. Wolfson* (1982) 30 Cal. 3d 72 and *O'Connor v.*
18 *Village Green Owners Association* (1983) 33 Cal. 3d 790.

19 (c) This section shall not apply to the County of Riverside.

20 (d) A housing development for senior citizens constructed on
21 or after January 1, 2001, shall be presumed to be designed to meet
22 the physical and social needs of senior citizens if it includes all of
23 the following elements:

24 (1) Entryways, walkways, and hallways in the common areas
25 of the development, and doorways and paths of access to and
26 within the housing units, shall be as wide as required by current
27 laws applicable to new multifamily housing construction for
28 provision of access to persons using a standard-width wheelchair.

29 (2) Walkways and hallways in the common areas of the
30 development shall be equipped with standard height railings or
31 grab bars to assist persons who have difficulty with walking.

32 (3) Walkways and hallways in the common areas shall have
33 lighting conditions which are of sufficient brightness to assist
34 persons who have difficulty seeing.

35 (4) Access to all common areas and housing units within the
36 development shall be provided without use of stairs, either by
37 means of an elevator or sloped walking ramps.

38 (5) The development shall be designed to encourage social
39 contact by providing at least one common room and at least some
40 common open space.



1 (6) Refuse collection shall be provided in a manner that
2 requires a minimum of physical exertion by residents.

3 (7) The development shall comply with all other applicable
4 requirements for access and design imposed by law, including, but
5 not limited to, the Fair Housing Act (42 U.S.C. Sec. 3601 et seq.),
6 the Americans with Disabilities Act (42 U.S.C. Sec. 12101 et
7 seq.), and the regulations promulgated at Title 24 of the California
8 Code of Regulations that relate to access for persons with
9 disabilities or handicaps. Nothing in this section shall be construed
10 to limit or reduce any right or obligation applicable under those
11 laws.

